

PATENT

Atty. DKL No. BALDWIN 4-2-53-5

**REMARKS**

In the Office Action, the Examiner noted that claims 1-11 are pending in the application and that claims 1-11 are rejected. In view of the following discussion, Applicants submit that none of the claims now pending in the application are anticipated under the provisions of 35 U.S.C. §102 or obvious under the provisions of 35 U.S.C. §103. Thus, Applicants believe that all of these claims are now in condition for allowance.

**I. OATH/DECLARATION**

The Examiner has indicated that the Application does not identify the citizenship of Paul C. Lustgarten, and that appropriate correction is required. In response, the Applicants are actively attempting to obtain a newly executed Declaration identifying the citizenship of Paul C. Lustgarten. As indicated by the Examiner in a telephone conversation on August 4, 2004, identification of the citizenship of Paul C. Lustgarten may be held in abeyance until the claims are approved. The Applicants are aware that the citizenship of Paul C. Lustgarten must be corrected before issue fees are paid.

**II. REJECTION OF CLAIMS UNDER 35 U.S.C. §102**

The Examiner rejected claims 1 and 3 under 35 U.S.C. §102(e) as being anticipated by Kronz (United States patent 6,675,196 B1, issued January 6, 2004). The rejection is respectfully traversed.

In general, the Examiner stated that Kronz teaches transmission and reception of electronic mail with a reliable byte-stream transport as taught in Applicants' claim 1. More specifically, the Examiner stated that Kronz discloses the steps of a "transmitter connecting to receiver...receiver sending a greeting to transmitter...transmitter replying the receiver with a greeting and an envelope...receiver replying the transmitter with status...transmitter receiving envelope status and sending message...receiver receiving message and replying the message status..." (Office Action, p. 2-3). The Applicants respectfully disagree.

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In general, Kronz discloses a method and apparatus for enabling any variety of devices to communicate with each other over a common protocol. (Kronz, Abstract). Specifically, Kronz discloses a protocol by which one device (a client device) can discover the services offered by another device (a server device), and transmission of a service-command from a client device to a server device, where the service-command identifies a particular service to be performed by the server device.

Kronz, however, does not teach each and every element of Applicants' invention as recited in independent claim 1. Namely, Kronz does not teach or suggest the limitation of "the transmitter replying the receiver with a greeting and an envelope". Specifically, Applicants' claim 1 recites:

A process for the transmission and reception of electronic mail between computer servers over reliable byte-stream transports comprising the steps of:  
a transmitter connecting to a receiver;  
the receiver sending a greeting to the transmitter;  
the transmitter replying the receiver with a greeting and an envelope;  
the receiver replying the transmitter with the envelope status;  
the transmitter receiving the envelope status and sending a message; and  
the receiver receiving the message and replying with the message status.  
(Emphasis added.)

As taught in Kronz, on the other hand, "[u]pon receiving the type-command, the server device responds by transmitting one or more device/service identifiers back to the client device. Each device/service identifier is unique, and represents either a specific device type, such as a thermostat, a door, a pager...or a specific service type, such as the ability to raise the temperature of the thermostat...After the server device identifies itself as being capable of using the protocol, the client device may issue commands to the server device using the unique service identifiers..." (Kronz, Column 2, Lines 35-48).

In other words, Kronz teaches transmission of a type-command identifying a particular service to be performed (or identifying services capable of being performed by the server), and transmission of a service-command to request the performance of a particular service offered by the server device. Thus, if the client device initiates a service request, the client uses the common protocol to request the service. As such, Kronz simply teaches the use of a common protocol to enable a wide variety of client devices to discover and use the services offered by a wide variety of server devices.

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Furthermore, the Examiner contends that Kronz discloses the transmitter replying to the receiver with a greeting and an envelope "wherein envelope is the service-command identifying a particular service to be performed by the server device..." As taught in Kronz, however, "[a] service-command 307 may be issued by transmitting either the full device identifier ( $x_1x_2x_3$ -NAME) or just the unique three letter prefix ( $x_1x_2x_3$ ). Any necessary parameters may be passed along as well." (Kronz, Column 13, Lines 39-43). As such, Kronz simply teaches the use of a common protocol to issue service commands for performing various services available from a server. Nowhere in Kronz is there any teaching, showing or suggestion of a transmitter replying to a receiver with a greeting and an envelope, as taught in Applicants' claim 1.

By contrast, Applicants' invention claims a method for the transmission and reception of electronic mail between computer servers that requires fewer communication round trips between servers per message transferred. Specifically, the applicants' invention claims the transmitter replying to the receiver with a greeting and an envelope. The transmission of a service-command identifying a particular service to be performed, as taught by Kronz, is simply not the same as the transmission of a greeting and an envelope as taught by the Applicants' invention. Furthermore, the envelope of the present invention is not the same as a command identifying a particular service to be performed by a server device.

Therefore, the transmission of a service-command identifying a particular service to be performed, as taught in Kronz, is simply not the transmitter replying the receiver with a greeting and an envelope, as taught in Applicants' claim 1. Furthermore, nowhere in Kronz is there any teaching, showing, or suggestion of the transmitter replying to the receiver with a greeting and an envelope, as taught in Applicants' claim 1. As such, Kronz does not teach each and every element of Applicants' invention as taught in independent claim 1.

"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim." Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 U.S.P.Q. 481, 485 (Fed. Cir. 1984)(emphasis added). Since Kronz does not teach the transmitter replying the receiver with a greeting and an envelope, Kronz fails to disclose each and

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every element of the claimed invention, as arranged in Applicants' claim 1. Therefore, the Applicants submit that independent claim 1 is not anticipated by Kronz and, as such, fully satisfies the requirements under 35 U.S.C. §102 and is patentable thereunder.

Furthermore, claim 3 depends directly from independent claim 1, and recites additional features thereof. As such, and for at least the same reasons discussed above, the Applicants submit that the dependent claim 3 also fully satisfies the requirements under 35 U.S.C. §102 and is patentable thereunder. Therefore, the Applicants respectfully request that the rejections be withdrawn.

### **III. REJECTION OF CLAIMS UNDER 35 U.S.C. §103**

#### **Claim 2**

The Examiner rejected claim 2 under 35 U.S.C. §103 as being unpatentable over Kronz in view of Skeen (United States patent 5,257,369, issued October 26, 1993) and further in view of Holmes (United States patent 6,134,432, issued October 17, 2000). The rejection is respectfully traversed.

Claim 2 depends from claim 1 and recites additional features therefor. As discussed above, Kronz does not teach, show or suggest a transmitter replying to a receiver with a greeting and an envelope as recited in independent claim 1. In addition, Skeen generally teaches a method and apparatus for providing decoupling of data exchange details for providing high performance communication between software processes. Skeen is completely devoid of any teaching, showing or suggestion of a transmitter replying to a receiver with a greeting and an envelope. Furthermore, Holmes generally teaches a multiplexing messaging gateway for wireless devices or any other suitable protocols. Holmes is completely devoid of any teaching, showing or suggestion of a transmitter replying to a receiver with a greeting and an envelope.

Nowhere in the cited references, either singly or in combination, is there any teaching, showing, or suggestion of the transmitter replying to the receiver with a greeting and an envelope. As such, Kronz, Skeen and Holmes fail to teach, show, or suggest the Applicants' invention as a whole. Therefore, since Kronz, Skeen and Holmes fail to teach, show, or suggest a transmitter replying to a receiver with a greeting

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and an envelope, no conceivable combination of the references can render obvious Applicants' invention of claim 1.

As such, the Applicants submit that independent claim 1 is not obvious over Kronz in view of Skeen in further view of Holmes, and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Furthermore, since claim 2 depends from independent claim 1, claim 2 is not obvious over Kronz in view of Skeen in further view of Holmes and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Therefore, Applicants respectfully request that the rejection be withdrawn.

#### **Claim 4**

The Examiner rejected claim 4 under 35 U.S.C. §103 as being unpatentable over Kronz in further view of Fielding (RFC 2068 – Hypertext Transfer Protocol – HTTP/1.1, January 1997). The rejection is respectfully traversed.

Claim 4 depends from claim 1 and recites additional features therefor. As discussed above, Kronz does not teach, show or suggest a transmitter replying to a receiver with a greeting and an envelope as recited in independent claim 1. In addition, Fielding generally teaches Hypertext Transfer Protocol Version 1.1, an application level protocol for distributed, collaborative, hypermedia information systems. Fielding is completely devoid of any teaching, showing or suggestion of a transmitter replying to a receiver with a greeting and an envelope.

Nowhere in the cited references, either singly or in combination, is there any teaching, showing, or suggestion of the transmitter replying to the receiver with a greeting and an envelope. As such, Kronz and Fielding fail to teach, show or suggest the Applicants' invention as a whole. Therefore, since Kronz and Fielding fail to teach, show or suggest a transmitter replying to a receiver with a greeting and an envelope, no conceivable combination of the references can render obvious Applicants' invention of claim 1.

As such, the Applicants submit that independent claim 1 is not obvious over Kronz in view Fielding, and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Furthermore, since claim 4 depends from independent claim 1, claim 4 is not obvious over Kronz in view of Fielding and fully satisfies the requirements

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of 35 U.S.C. §103 and is patentable thereunder. Therefore, Applicants respectfully request that the rejection be withdrawn.

#### **Claim 5**

The Examiner rejected claim 5 under 35 U.S.C. §103 as being unpatentable over Kronz in further view of Yamasaki (United States patent 5,699,517, issued December 16, 1997). The rejection is respectfully traversed.

Claim 5 depends from claim 1 and recites additional features therefor. As discussed above, Kronz does not teach, show or suggest a transmitter replying to a receiver with a greeting and an envelope as recited in independent claim 1. In addition, Yamasaki generally teaches a communication network system in which a plurality of information processing equipment, each holding its own program, is connected via a communication line. In particular, a user who has specified items of data processing to be performed is capable of retrieving a program that can process those items from one of the processing equipments. Yamasaki is completely devoid of any teaching, showing or suggestion of a transmitter replying to a receiver with a greeting and an envelope.

Nowhere in the cited references, either singly or in combination, is there any teaching, showing or suggestion of the transmitter replying to the receiver with a greeting and an envelope. As such, Kronz and Yamasaki fail to teach, show or suggest the Applicants' invention as a whole. Therefore, since Kronz and Yamasaki fail to teach, show or suggest a transmitter replying to a receiver with a greeting and an envelope, no conceivable combination of the references can render obvious Applicants' invention of claim 1.

As such, the Applicants submit that independent claim 1 is not obvious over Kronz in view Yamasaki, and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Furthermore, since claim 5 depends from independent claim 1, claim 5 is not obvious over Kronz in view of Yamasaki and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Therefore, Applicants respectfully request that the rejection be withdrawn.

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**Claim 6**

The Examiner rejected claim 6 under 35 U.S.C. §103 as being unpatentable over Kronz in further view of Richardson (Google Group, comp.os.linux.answers, January 7, 1998). The rejection is respectfully traversed.

Claim 6 depends from claim 1 and recites additional features therefor. As discussed above, Kronz does not teach, show or suggest a transmitter replying to a receiver with a greeting and an envelope as recited in independent claim 1. In addition, Richardson generally teaches the installation and use of Linux Q-mail to transmit and receive emails. In particular, Richardson teaches that Q-mail is a secure, reliable, efficient simple message transfer agent that is meant as a replacement for the entire sendmail-binmail system on typical Internet-connected UNIX hosts. Richardson is completely devoid of any teaching, showing or suggestion of a transmitter replying to a receiver with a greeting and an envelope.

Nowhere in the cited references, either singly or in combination, is there any teaching, showing, or suggestion of the transmitter replying to the receiver with a greeting and an envelope. As such, Kronz and Richardson fail to teach, show or suggest the Applicants' invention as a whole. Therefore, since Kronz and Richardson fail to teach, show or suggest a transmitter replying to a receiver with a greeting and an envelope, no conceivable combination of the references can render obvious Applicants' invention of claim 1.

As such, the Applicants submit that independent claim 1 is not obvious over Kronz in view Richardson, and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Furthermore, since claim 6 depends from independent claim 1, claim 6 is not obvious over Kronz in view of Richardson and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Therefore, Applicants respectfully request that the rejection be withdrawn.

**Claim 7**

The Examiner rejected claim 7 under 35 U.S.C. §103 as being unpatentable over Kronz in further view of Elliot (United States patent 5,764,241, issued June 9, 1998). The rejection is respectfully traversed.

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Claim 7 depends from claim 1 and recites additional features therefor. As discussed above, Kronz does not teach, show or suggest a transmitter replying to a receiver with a greeting and an envelope as recited in independent claim 1. In addition, Elliot generally teaches a method and system for modeling and presenting integrated media with a declarative modeling language for representing reactive behavior. Elliot is completely devoid of any teaching, showing or suggestion of a transmitter replying to a receiver with a greeting and an envelope.

Nowhere in the cited references, either singly or in combination, is there any teaching, showing or suggestion of the transmitter replying to the receiver with a greeting and an envelope. As such, Kronz and Elliot fail to teach, show or suggest the Applicants' invention as a whole. Therefore, since Kronz and Elliot fail to teach, show or suggest a transmitter replying to a receiver with a greeting and an envelope, no conceivable combination of the references can render obvious Applicants' invention of claim 1.

As such, the Applicants submit that independent claim 1 is not obvious over Kronz in view Elliot, and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Furthermore, since claim 7 depends from independent claim 1, claim 7 is not obvious over Kronz in view of Elliot and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Therefore, Applicants respectfully request that the rejection be withdrawn.

**Claim 8**

The Examiner rejected claim 8 under 35 U.S.C. §103 as being unpatentable over Kronz in further view of Sriram (United States patent 5,463,620, issued October 31, 1995). The rejection is respectfully traversed.

Claim 8 depends from claim 1 and recites additional features therefor. As discussed above, Kronz does not teach, show or suggest a transmitter replying to a receiver with a greeting and an envelope as recited in independent claim 1. In addition, Sriram generally teaches bandwidth allocation, transmission scheduling and congestion avoidance in broadband asynchronous transfer mode networks. Sriram is completely



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devoid of any teaching, showing or suggestion of a transmitter replying to a receiver with a greeting and an envelope.

Nowhere in the cited references, either singly or in combination, is there any teaching, showing or suggestion of the transmitter replying to the receiver with a greeting and an envelope. As such, Kronz and Sriram fail to teach, show or suggest the Applicants' invention as a whole. Therefore, since Kronz and Sriram fail to teach, show or suggest a transmitter replying to a receiver with a greeting and an envelope, no conceivable combination of the references can render obvious Applicants' invention of claim 1.

As such, the Applicants submit that independent claim 1 is not obvious over Kronz in view of Sriram, and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Furthermore, since claim 8 depends from independent claim 1, claim 8 is not obvious over Kronz in view of Sriram and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Therefore, Applicants respectfully request that the rejection be withdrawn.

#### **Claims 9-10**

The Examiner rejected claims 9-10 under 35 U.S.C. §103 as being unpatentable over Kronz in further view of Foster (United States patent 5,583,993, issued December 10, 1996). The rejection is respectfully traversed.

Claims 9 and 10 depend from claim 1 and recites additional features therefor. As discussed above, Kronz does not teach, show or suggest a transmitter replying to a receiver with a greeting and an envelope as recited in independent claim 1. In addition, Foster generally teaches a method for synchronously sharing data among a plurality of computer systems. Foster is completely devoid of any teaching, showing or suggestion of a transmitter replying to a receiver with a greeting and an envelope.

Nowhere in the cited references, either singly or in combination, is there any teaching, showing or suggestion of the transmitter replying to the receiver with a greeting and an envelope. As such, Kronz and Foster fail to teach, show or suggest the Applicants' invention as a whole. Therefore, since Kronz and Foster fail to teach, show or suggest a transmitter replying to a receiver with a greeting and an envelope, no

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conceivable combination of the references can render obvious Applicants' invention of claim 1.

As such, the Applicants submit that independent claim 1 is not obvious over Kronz in view of Foster, and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Furthermore, since claims 9 and 10 depend from independent claim 1, claims 9 and 10 are not obvious over Kronz in view of Foster and fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder. Therefore, Applicants respectfully request that the rejections be withdrawn.

### Claim 11

The Examiner rejected claim 11 under 35 U.S.C. §103 as being unpatentable over Kronz in further view of Freed (RFC 2045, 1996). The rejection is respectfully traversed.

Claim 11 depends from claim 1 and recites additional features therefor. As discussed above, Kronz does not teach, show or suggest a transmitter replying to a receiver with a greeting and an envelope as recited in independent claim 1. In addition, Freed generally teaches Multipurpose Internet Mail Extensions (MIME), specifically, the format of Internet message bodies. Freed is completely devoid of any teaching, showing or suggestion of a transmitter replying to a receiver with a greeting and an envelope.

Nowhere in the cited references, either singly or in combination, is there any teaching, showing or suggestion of the transmitter replying to the receiver with a greeting and an envelope. As such, Kronz and Freed fail to teach, show or suggest the Applicants' invention as a whole. Therefore, since Kronz and Freed fail to teach, show or suggest a transmitter replying to a receiver with a greeting and an envelope, no conceivable combination of the references can render obvious Applicants' invention of claim 1.

As such, the Applicants submit that independent claim 1 is not obvious over Kronz in view of Freed, and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Furthermore, since claim 11 depends from independent claim 1, claim 11 is not obvious over Kronz in view of Freed and fully satisfies the requirements

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of 35 U.S.C. §103 and is patentable thereunder. Therefore, Applicants respectfully request that the rejection be withdrawn.

### CONCLUSION

Thus, Applicants submit that none of the claims presently in the application are anticipated under the provisions of 35 U.S.C. §102 or obvious under the provisions of 35 U.S.C. §103. Consequently, Applicants believe that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring any adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Mr. Eamon J. Wall, Esq. at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,



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